

Meeting of 1999-6-22 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 22, 1999 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
John Vincent, City Attorney
Brenda Smith, City Clerk

The meeting was called to order at 6:15 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
Richard Williams, Ward Two
Glenn Devine, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Stanley Haywood, Ward Seven
Randy Warren, Ward Eight

ABSENT: Charles Beller, Ward Six

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JUNE 8 AND SPECIAL MEETING OF JUNE 11, 1999.

MOVED by Warren, SECOND by Haywood, for approval of the minutes. AYE: Haywood, Warren, Smith, Williams, Devine, Shanklin. NAY: None. ABSTAIN: Purcell. MOTION CARRIED.

Mayor Powell read a proclamation expressing appreciation to those who had rendered assistance during recent storms.

Purcell requested that a moment of silence be observed in honor of the memory of James Eddie Phillips who had served the community for many years and was very influential in the lives of his students. A moment of silence was observed in Phillips' honor.

AUDIENCE PARTICIPATION: None.

Mayor Powell announced that Item 7 would be pulled from the agenda.

BUSINESS ITEMS:

1. Receive a request from a group of business owners concerning public dedication of Bark Avenue, and provide appropriate direction to the City Manager. Exhibits: None.

Warren said he was contacted by a group of business owners in regard to this item. He said Bark Avenue would actually be 52nd Street near the Cache Road overpass and that it is used as a turnaround point for traffic trying to go back to the east on Cache Road. Warren said at one time, the Street Department tried to take care of it and filled in some potholes, although the street was not dedicated as a public street. He said the business owners want to discuss the possibility of the City accepting dedication of the roadway and providing some assistance with repairs.

Charley Wright, Design Associates, presented a drawing of the area, pointing out various businesses. He said Milo Gordon has a business under construction to the east of Fiesta Toyota, which will increase the number of cars attempting to turn around on Bark Avenue. Shanklin said traffic can make a left hand turn at the traffic light coming across 52nd Street. Wright said that is true and that he was speaking of west bound traffic on Cache Road.

Wright said there is a 33 foot statutory easement in place in this area. He presented pictures showing concrete curb and gutter installed on the right of way line by Fiesta Toyota when they built their car lot, so part of the work is already in place.

Andy Hill said he was planning to put an insurance agency in a building in this area. He said he and his wife had been involved with the property since 1971, and all of the businesses in this area initially went together to have the roadway chatted. Hill said traffic problems started when Cache Road Cinemas went in because traffic continually used the street as a turnaround, so the chat did not work out. He said the Street Division oil and chipped the roadway about ten or eleven years ago, and that lasted three or four years. Hill said traffic coming west will have to make a turn and with the addition of the Milo Gordon dealership, and any other businesses going in between that area and Gibson's, traffic will use it as an automatic turnaround point and there seems to be no way to alleviate that or no way for the businesses to control it. He said they are unable to maintain that area and needed some help from the City.

Shanklin asked the costs involved. Warren said if it was appropriate, Council could request the City Manager prepare cost estimates and then move forward from there. Warren said part of the curbing is in place, as well as the signal light for all four directions. Williams said the biggest thing would be to know the cost and that he did not know that he could support the City taking over the roadway in its current condition but if it were brought up to standard, he would not have a problem with it. Baker said a cost estimate could be obtained if Council so directed.

MOVED by Warren, SECOND by Smith, to direct the City Manager to have the staff look into the situation and give a cost estimate on what it would take to bring the road up to standard. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Haywood. NAY: None. MOTION CARRIED.

2. Consider approving the concept of a municipal planning commission as authorized by Title 11 of the Oklahoma Statutes. Exhibits: LMAPC Jurisdiction Map; List of Pros and Cons; Table of Types of Planning Commissions; Extract from LMAPC Minutes of 5/26/99; Chairman Rogers' Comments; Commissioner Henry's Comments; Extract of Draft LMAPC Minutes of 6/9/99.

Shanklin said he asked to speak on the item first because he requested the item some time back. He said he would defer to Purcell who was able to do more work on the subject. Shanklin said he wanted the people in Old Town North and on Fort Sill Boulevard to know that he personally was not trying to zone that to C-5 because people came from the northwest part of town and told everyone that he wanted it changed to C-5 and that is erroneous and an absolute lie. He said he would not want to spend his time, money and effort on his house to zone it C-5.

Purcell said he had spent the last two days receiving phone calls and had spoken to several people on the LMAPC and the problem is between the City Council and LMAPC, and not some of the other comments that have been made. He said he had a solution to propose, but first wanted to comment on a letter that has been circulated by Lawton homeowners and citizens of many years. Purcell said at best the letter is misleading, and at worst, it has down right lies in it, and he wanted to say in open session in front of everyone and in front of the media that there are several incorrect statements in the letter. He said there was no special committee, a committee appointed by the Lawton City Council will not have to follow procedures, rules and guidelines is absolutely incorrect; we are not doing it to benefit certain people; the entire issue is whether or not on land use, and not talking about zoning, talking about land use, whether the City Council, who are the elected representatives of the citizens of the community, have the final say so of what land use ought to be, or should an appointed committee have the final say on what land use should be.

Purcell said one caller said the Council appoints the committee and should do whatever they say and if they do not have six votes to send a request forward under Title 19 of State Statutes, then Council should accept that. He said he would guarantee that the same caller, if LMAPC had voted to do something different from what he wanted, would not be telling Council to follow LMAPC's decision and he would be asking Council to overrule. Purcell said he felt the Council should be the body to make decisions on the land use plan, and that is the entire issue.

Purcell said he spoke with the LMAPC Chairman at length and he is present to address this; another member of LMAPC provided a wonderful suggestion and he spoke with the City Attorney in this regard today and some modification was needed on the suggestion, but it may be able to accomplish the goal and still have the Council be the final authority. He said he was passing out the suggestion from a LMAPC member that LMAPC change its by-laws, which they can currently do, and he read the suggestion as follows: "LMAPC, for purposes of developing, adopting and approving a comprehensive land use plan or an amendment to a comprehensive land use plan, pursuant to Title 19, Oklahoma Statutes, Section 866.1 to 866.34, will, following public hearing, submit the proposal to the appropriate governing body for comment and advice as to whether it would be in the best interest of the appropriate jurisdiction to have LMAPC further consider adopting the proposed comprehensive plan or amendment."

Purcell said under that change, a request to change the land use plan, or to develop the 2025 Land Use Plan, would go to LMAPC for a public hearing to receive input; LMAPC will then send it to Council for a recommendation and comments; and LMAPC would then vote. He said that process would allow LMAPC to have the insight of the Council as to whether they feel an amendment should be approved or not. He said this change would keep LMAPC intact as it is under Title 19, which is the big issue, and includes the County cooperation that is needed, yet still allows the Council, or in the case of County items, the County Commissioners, to have the final say on the land use plan change, and we are still not talking about rezoning because now they can send whatever they want to Council to rezone and Council can say yes or no, we are only talking about land use.

Purcell suggested hearing from the LMAPC Chairman, and said that after discussion tonight, he would offer a motion to table this action until the second meeting in July which will give LMAPC a chance to change their by-laws, and if for some reason LMAPC does not like this compromise, then Council can figure out where to go from there.

Mayor Powell asked if Council would like to receive public comment and Council indicated it did.

Guy Rogers, LMAPC Chairman, said he would speak as an individual although he was one of the group of LMAPC, so he would express his own opinion, as well as what the bulk of the LMAPC members have said, and that numerous discussions had been held on this subject during their meetings, and externally since the issue first came up. He said the major items they were concerned about were a layering or duplication of efforts contrary to continuing the LMAPC. Rogers said this solution has potential and he would like to take it back to LMAPC for their comments, and that he personally felt the majority would be in favor of it but that he could not guarantee anything on that. He said the main concern of the LMAPC members was making sure that the county and the city stay married on this because as Lawton grows, you will get new territory by taking in areas from the surrounding community, and if we have LMAPC working as a dual function for the two of them, we can do a lot to insure that the various codes and standards are maintained, so when the time comes that a plot of land is annexed, it will already meet the Lawton city standards and that is important to everyone.

Rogers said the LMAPC has four members from the city and four from the county. He said he had worked with many of them over the last ten years and had yet to find one who was not a truly dedicated citizen for the betterment of total Lawton; the county people realize that Lawton is the heart of the county and the city people realize that the county is the growth area for the city. Rogers said the members have been people of integrity and credibility and that he considered it a privilege to have worked with them, and had learned a lot from watching their evaluation and functioning and listening to the decisions. He said the greater majority, better than 95%, of their decisions come out eight to zero or seven to one and that he could only remember two decisions in recent times that came out four to four or five to three and there were county and city members on both sides of an issue.

Rogers said he would be happy to present this and LMAPC meets tomorrow and can comment on it then and place it on the agenda for two weeks from now. He said it is a workable solution to the areas the LMAPC was concerned about.

Shanklin said one of the reasons when he saw the letter on February 12 from Mr. Vincent, and he was two months late in reading it due to other pressing needs such as trying to get re-elected, but there is no question that LMAPC has done an outstanding job and that he had no qualms with it, and that he had never been denied anything before LMAPC. He said he was upset with the fact that now all of the sudden it was six to two; before everything came to the Council, that was the other City Attorney's desire and that was what happened so that confused all of us. Shanklin said the other confusion was some of the staff interjecting their feelings as to whether or not they liked this one particular rezoning themselves and that he did not think that was staff's place and that disturbed him. He said he was willing to do what he could to get LMAPC to stay in charge but still wanted the final say to come to those who had been elected. Shanklin said he appreciated the tremendous job that LMAPC does.

Bill Fraser asked to speak. Shanklin said he did not want to hear from Mr. Fraser. Mayor Powell said Council gave permission to receive public comment and it would be received, be brief and to the point.

Bill Fraser said he appreciated Shanklin's comment and that he would apologize to Purcell for any statements that might have went in that letter that were erroneous, and asked that Council understand their position. He said he went to the LMAPC meeting and looked at the information they were provided about what was going on. Fraser said there were no statements provided to clarify the concern of the City Council, and Purcell states it is strictly because they want the ruling to come before the Council on everything and that was not clear in his opinion and that he was there and that no one understood it and that no Council members were there. He said they did leave the meeting with a misunderstanding and that this came up when the rezoning at 38th and Cache Road was in process and their position was "they're after us again" and it looked like someone was trying to come in the back door and set up something else and trying to rezone that corner.

Fraser said the group present tonight is concerned about what will happen to their homes, they are worried about the zoning and what will happen to the major thoroughfares and if they will all be zoned commercial, and where they should go. He said the group is present tonight because they are concerned and that they are not trying to take authority away from anyone but simply want to know what is going on and if they are informed, they will not be hard to get along with. Fraser said they would not sacrifice their homes for someone else to put a business on top of them. He asked those in attendance in this regard to stand, and the majority of the audience, as well as those who could not find a seat, stood up to indicate their interest.

MOVED by Purcell, SECOND by Warren, to table this item until the last meeting in July, which will give the LMAPC time to do what they need to do and amend their by-laws and then we reconsider where we go at that time. AYE: Smith, Williams, Devine, Purcell, Shanklin, Haywood, Warren. NAY: None. MOTION CARRIED.

3. Consider approval of a contract between the City of Lawton and Comanche County for civil defense services. Exhibits: Contract.

Baker said the contract is for July 1999 to 2000, and the contract has been in place for a number of years. The service would be provided to the City for the consideration of \$30,000, which is included in the approved FY 99-00 budget.

Warren said under a provision in the latest memo about changes to the plan, Lawton's dispatchers must still receive a call from the Civil Defense Director before blowing the sirens, and that he had a problem with that protocol. He said an example of the protocol would be that if a Lawton police officer sees a tornado touch down, he would call dispatch, and

dispatch would then call the Civil Defense Director and the Civil Defense Director would then tell dispatch to sound the sirens. Warren said we need to be in control of our sirens, and if the Civil Defense Director sees something and calls in to tell dispatch to sound the sirens, that should be done, but that he did not agree with Lawton's police or dispatch having to ask the County if Lawton could sound its sirens. He related another scenario included in a proposed change regarding sounding of sirens if we were under attack. Warren said it made no sense to have all of this back and forth communication, and that the proposed revisions were not truly changes in the operational protocol, and that the portion about blowing the sirens in high winds was not much of a change because it was that way previously.

Williams asked if it was possible to have an emergency response plan with co-points of contact both at the county and city level. Warren said he agreed with that and welcomed input from the county, but during the recent storm, we could have sounded the sirens properly if it were not for this fragmented response plan where it should have been a streamlined, efficient operation.

Smith said the revision was just a slight change in wording from the existing plan and that he had some real problems with it. He said he also had problems with the letter he received today that Mr. Atkins would be unavailable for a few days and his secretary is next in charge of emergency operations, and following that, it would be two volunteers. Smith said he was sure these were excellent people but we are back to entrusting the citizens' safety to someone who is not there, so we need to have someone within the City of Lawton that can sound the sirens and make that call.

Mayor Powell asked Smith what the entire plan said as to who could make that call. Smith said he was not sure and that he had a genuine concern and had been called by many voters who are scared because the guy who read the plan said that it had to be a tornado and the plan clearly does not say that. Smith said he could not support giving the money when you really do not get anything for it.

Haywood said there was a need to learn to communicate and because of what happened in Oklahoma City, we should have been ready. He said he felt there was a problem and that better communications and the ability to work together for a solution were needed, and that some of that work was going on. Smith said he agreed but felt the information provided was not the solution. Shanklin asked what Smith had in mind. Smith said there needs to be a designated person from the City with the authority and not rely on the county. Warren said you always have a shift supervisor in police, or you always have someone in charge every minute of every day. Shanklin asked if a spotter called Atkins and he called dispatch, would that be good enough. Warren said his earlier statement was that it would be acceptable. Warren said his point was that we should not have to rely on Mr. Atkins to call us and tell us to blow the sirens if we deem it necessary. Shanklin said we do not have to do that now. Warren said yes, according to the plan, we do and that had been his whole point all along. Haywood said that portion can be changed.

Williams said he did not mind providing the funding but would like to see a more in depth plan, especially on who and how the sirens are blown, as well as where the shelters would be and how that would be coordinated, and perhaps work is going on in that regard now, but it is not shown in the information that Council has received.

Mayor Powell said since the storm there had been a meeting at the Library with all the players involved and some real key points were addressed and he asked for input from everyone and it was an open meeting. He said a couple of days after that, he and Baker met with Atkins in the Mayor's Office and a test of the sirens was held at 6:30 p.m. while people were in their home environment, and a table top exercise was held with the Civil Defense Director using a scenario that a tornado had hit the Wyatt Acres area, and the Fire Chief, City Manager, Public Works Director, Code Administration Director, Red Cross, Southwestern Hospital, Memorial Hospital, and all of the people that would have been in real situations were at the table and went through this exercise, and he received positive reports at that time. Mayor Powell said a report was provided from the table top and from the Civil Defense Director, and that he and Mr. Atkins were on Channel 7 last Sunday morning to address this, at the request of Channel 7.

Mayor Powell said there had been a lot of things done and it is a very serious issue. He said he was out there with the police and with the fire until after twelve o'clock that night seeing what happened and when he was sure there were no serious injuries or deaths that night, he went home and went to bed and that he wanted the City taken care of and that it was not a laughing matter with him and never would be a laughing matter, and that he had called the meeting. He said he was sure Atkins would not have a problem with the police calling in and saying there is a tornado and sound the siren, and that Atkins was not a selfish person and would not have a problem with that whatsoever.

Warren asked what the citizens of Lawton get for the \$30,000 and said he was not seeing that they get much other than what they should get anyway as a citizen of Comanche County. He said, using arbitrary figures, a county resident pays \$1 for civil defense, but a city resident pays \$2, and he asked why that was right. Warren said he did not understand why city residents had to pay twice.

Haywood said Atkins goes to the schools and provides workshops, so the director has made people aware of the hazards and how to respond. Warren said he understood that but that it did not answer why Lawton residents had to pay more, and that Atkins would do these things as a part of the job anyway. Warren said he did not see what the citizens of Lawton were getting that was special to make up for that double money the citizens of Lawton are paying. Shanklin asked how they are paying and Warren said through their taxes. Haywood said Lawton has more people. Warren said we pay county taxes and we pay city taxes, and county residents get the same services as the city residents. Shanklin asked if Warren was suggesting residents pay \$1 each for civil defense. Warren said no, we currently fund civil defense from county funds and city funds; why do the citizens of Lawton have to pay as citizens of Lawton and as citizens of Comanche County. Mayor Powell said the county does not get the same service as the city. Warren said that was his question, what do the citizens of

Lawton get that is extra for that \$30,000, that we would not get if we were in the county, and it is not the sirens because they belong to the City of Lawton and we paid for them out of funds other than civil defense and the sirens belong to the City.

Mayor Powell suggested Mr. Atkins answer some of the questions presented. He said he had asked Atkins to check with the Lawton Public Schools and Baker is checking to see what City buildings could be used as shelter facilities, as well as Cameron and other facilities, and another need is to identify someone to open, monitor and close the facilities when they are used as shelters.

Richard Atkins, Civil Defense Director, said in reference to the question regarding funding, the program was set up in 1972 as a joint city-county civil defense program and it is now called emergency management. When that program was set up, and under federal guidelines, the city put in \$24,000 per year and the county put in \$24,000 per year, and under the OBCTA program, the federal government reimbursed 50% of those funds back to the community to help sustain the program. All of the plans that were developed were according to FEMA standards, and some of the items are generic to all communities to fit into a program. As the plan is set up, the Mayor, the County Commissioners and the Council are the executive group and it filters on down from there. Atkins said his job as emergency manager is to coordinate between the Council, the department heads and the various agencies of the community in the event of an extraordinary, extreme event that might occur in the county. He said in order to keep the program going, keep the bills paid, and pay salaries and pay benefits, over the 17 years he had been here, the county's share had gone from \$24,000 per year to \$35,000 per year, and the City's had gone from \$24,000 to \$30,000 per year, which is a \$300 per year increase over 17 years. Atkins said for that money you get professional expertise, presentations, his being on call 24 hours a day, seven days a week, and in regard to his secretary and the other officials, when he is out of town, they are the point of contact for the Mayor and County Commissioners to make the decision reflecting on the City or the County. He said his services are provided for assistance for the decision-makers, and the Council makes the decision and Atkins' staff carries out the directives; if you need their help, if you need evacuation people, that is what the volunteers are there for; if you need to get in touch with the state people and get them in here, that is what they are there for, but the City makes the final decision on what needs to be done.

Shanklin asked if Atkins would agree that Lawton was a part of Comanche County, and asked if the County gets a \$100,000 grant due to the recent storm and Lawton received nothing, would the funds be shared. Atkins asked that the questions be repeated. Shanklin said there are 113,000 people in the county and 85,000 of them are Lawton residents. Atkins said Lawton applied for the grant; two applications were made, one for the county and one for the city and there is no split; it is \$100,000 per entity that makes application. Mayor Powell said the County Commissioners would need to answer the question as to how the funding would be spent. Atkins explained history of the fund at length.

Warren said Shanklin's point was if the City does not receive approval for the grant, understanding it is a different program, but the County does get the funding and the County said it had \$75,000 in damage just in "the county" but that is incorrect because you have \$175,000 in damage because Lawton is part of the county. He said the question then becomes whether Lawton would receive any of the money. Mayor Powell said Atkins could not answer and the County Commissioners would have to make that decision. Warren said that was the question, and the question was not about the program.

Shanklin asked the amount of money Lawton had spent as a result of the storm. Baker said the numbers he had seen from Public Works alone indicated a cost of \$157,000 and that does not include any other departments. Shanklin said Lawton has received debris from the County at no cost as a good neighbor, and would ask again if the County would be willing to share any of the grant funding. Atkins said he could not speak on behalf of the County Commissioners.

Purcell said both entities applied for grants and there was damage in both the County and in the City. He said if the City does not get the grant, maybe it did a poor job of submission, and the bigger question seems to be what if neither entity receives the grant. Purcell said he would not be in favor of sharing grant funds if the City receives them and the County does not.

Smith said the question has not yet been answered as to what residents of Lawton receive in return for their \$30,000. Mayor Powell said Atkins covered that before and could do so again. Atkins said for \$30,000 a year, it is set up as a city-county program to maintain a civil defense program for the City of Lawton and Comanche County; funds are allocated on a 50-50 basis by the City and the County, with the federal government reimbursing 50% of that to keep up the maintenance and operation of the system. Atkins said over the years, the City's share has gone from \$24,000 per year up to \$30,000 per year in 17 years; the County's has gone from \$24,000 to \$35,000 and the reason it has gone to \$35,000 is because his salary and that of his staff has increased, and the County has also gone to a maintenance program on the communications, and that is why the County puts more into it than actually the City does. Atkins said the \$30,000 per year keeps his operation and his staff in salaries and benefits and pays for maintenance and operation of the program.

Mayor Powell asked Atkins if he said he was on call 24 hours a day and Atkins said yes, seven days a week. Mayor Powell asked Atkins if he had different schools and agencies where he gives programs and Atkins said yes, that is done throughout the year. Atkins said he does many programs for schools throughout the year and that he had done a program for Telos telling them where to seek shelter.

Purcell said he received information on the civil defense budget which shows the City would contribute \$40,770, but the agreement is for \$30,000. He asked why there was a difference. Atkins said this is an agreement between the County Commissioners and the City, and that he had a City, County and federal budget each year, and it is provided for

information. Atkins said it shows the monthly expenditures, as well as one time expenses. Purcell said the budget assumes receipt of \$40,000 but the City would only be giving \$30,000. Atkins said yes, that is the agreement between the City and the County. Purcell asked if the program would just be short that funding and have to come up with \$10,770 from another source. Atkins said the federal funding would help offset it.

Mark Glenn, #1 SE 75th Street, related a story concerning rescue efforts involved with a tornado in Lawton approximately 20 years ago. He said there were predictions and tornado watches all day for the storm over the Memorial Day weekend and the media notified the public of the possibility of some rough weather. Glenn said he volunteers with civil defense and purchased his vehicle and equipment at his own expense, and that several people do that. He said the hail busted his windshield on Highway 62 during the most recent storm and winds were around 100 miles per hour for three minutes, rather than a brief few minutes. Glenn said he put the word out to Atkins, who told Andy Wallace on the television to warn the people in Pecan Valley, where they do not have tornado sirens. He said the media was the only means available for Pecan Valley residents to be warned, and that he was the one who had called in for the warning, so it works through volunteer efforts. Glenn said National Guard troops were in the field and received injuries and required treatment. He agreed changes were needed and that there were deficiencies in some areas, and that Atkins was open to changes.

Michael Dennis Ford, 120 NW 44th Street, relayed information concerning his contacts with FEMA in Washington, D.C. and officials in Oklahoma City in an attempt to help a friend in Pecan Valley. The gist of these conversations was that the disaster declarations due to an earlier storm in the Oklahoma City area did not apply to Comanche County for the Memorial Day storm.

Mayor Powell asked if Warren was requesting that the Lawton Police have the authority to activate the sirens under certain conditions. Warren said he thought the City Manager should decide if it should be the police shift supervisor, or the fire supervisor, but that the City needed to be the entity to sound the sirens. Mayor Powell said there is a level of decision making persons established and that Baker could address that. Smith said he would support the \$30,000 as long as something was in place that Lawton was not required to contact an outside source to be able to sound the sirens, and that Baker could designate whoever he selected to sound the sirens to warn our citizens. Mayor Powell said that is in place.

MOVED by Smith, SECOND by Haywood, to approve the contract between the City of Lawton and Comanche County for civil defense services.

Warren asked if the motion is to put the existing contract back into place. Williams said he felt an understanding had been established that there is a need to move toward a more comprehensive plan than what we have had that identifies the shelters and actually how the sirens are sounded and the coordination involved. Warren said he was hearing that there was a situation in place where that can be done and asked how that was the case. Baker said the situation is dictated by the emergency operations plan, but it simply provides for a line of succession where if the Emergency Management Director is not available, then it provides that the City Manager or the Mayor may make that decision, and if neither of those persons are available, then the Fire Chief, Police Chief and so forth, can do that. Baker said we do not have a provision in the plan for someone other than Atkins to make that decision even if Atkins is available; Atkins was available during the Memorial Day storm and he (Baker) was on the scene but did not make that decision because the plan specifically says that the Emergency Management Director makes that call if he is available and he was available. Baker said he felt that he and Atkins could work that out and make a simple change in the language in the plan to provide that other individuals can make that call as well.

Devine asked Baker if Atkins would not have been present if he would have made a decision to sound the sirens. Baker said yes, and he would have been acting in accordance with the approved plan, which has been approved by the Council and by the County Commissioners. Baker said he would have made that decision but that it was not his decision to make that evening because Atkins was present.

Shanklin asked if we do not rely mostly on the television and their radar as to whether or not there is a tornado. Mayor Powell said that civil defense is directly connected with the National Weather Service in Norman, and has a straight line to TV 7 where there is no chance of not getting an answer, and the same set up with the City's communications. Mayor Powell said there are only two sirens on the east side of town that are working and the others are being repaired. Mayor Powell said the suggestion had been made to Atkins that if the Weather Service or TV are predicting 70 mph winds or greater, then he will act with that information.

Shanklin said he wanted to be sure that Atkins was not relying solely on spotters. Mayor Powell said no, although information is received from them also. Atkins said they have 18 spotters, and receive information from police and fire and that he provides training for spotters and asks them certain questions about the information they provide. Glenn said the City Manager was on the spot when this was happening, and this is too much weight to put on the shoulders of any one person.

VOTE ON MOTION: AYE: Williams, Devine, Purcell, Shanklin, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

4. Consider establishing a Council Committee regarding emergency response procedures. Exhibits: None.

Warren said he requested the item prior to the Mayor's efforts in this regard, but that he felt there were still things that could be accomplished in the area of what happens after a disaster, such as having collection points for donations, what the citizens can do, and how more sirens could be acquired at the least amount of cost. He said it could be possible that

sirens be installed when new subdivisions are built and developers could do that possibly. Warren said the committee would not address what the police or fire should be doing or what the chain of command would be, but more about what we can do as a city to better prepare for things that might happen.

Warren said the previous communications director had presented information about Lawton becoming a test city for an alert program which involves each home having a little box where voice, light or read out communications could be activated to warn of potential hazards from weather, toxic spills, or events of that nature. He said he did not know the cost, but it may be comparable to sirens and that he did not know if that opportunity was still available, but a committee could check into that.

MOVED by Warren, SECOND by Williams, to appoint the committee. AYE: Devine, Purcell, Shanklin, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

Mayor Powell asked who would appoint the committee. Warren said the Mayor could make the appointments and that he would like to see a couple of council members, staff and a couple of citizens if possible. Mayor Powell said he would send out a memo in that regard.

5. Hold a hearing to consider an appeal concerning the Administrative Order on 909 SW 5th Street. Exhibits: Administrative Order; Letter of Appeal with photographs; Memorandum from Code Administration Department.

Dan Tucker, Code Administration Director, said the appellant, Judy Brown, was present prior to the Council meeting and it was discussed with the appellant and Shanklin. Tucker said the appellant was unclear as to what the administrative order's function was and they gave us their folder and said that they were satisfied with the explanation.

Warren asked if this was where the notice was posted but the owners had already taken care of it but we post the notice anyway in case it becomes a problem later on. Tucker said yes. The Clerk asked if the order was being upheld. Shanklin said yes, it would be in effect for six months. The Clerk suggested that should be made clear to the appellant. Tucker said they had explained it to them and discussed it and the response was okay and they left, although they did not formally withdraw the appeal. Tucker said unless Council directs otherwise, staff would summarily abate high weeds and grass within the six months' period without further notice.

MOVED by Purcell, SECOND by Shanklin, to deny the appeal. AYE: Purcell, Shanklin, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

6. Consider adopting a resolution amending Resolution 98-145 to allow the owner of 904 SW "E" Avenue additional time to obtain a remodeling or demolition permit for the property. Exhibits: Resolution No. 99-_____.

Tucker presented a video of the property. He stated that Mr. Williams, the property owner, appeared before Council two weeks ago to request time to either remodel the structure or demolish it. Council condemned the property on August 25, 1998; a letter was sent to Mr. Williams on August 26, 1998, explaining the two weeks to obtain the remodel or demolish permit; on September 16, 1998, after not hearing from Mr. Williams, staff requested that demolition bids be let. On September 17, 1998, the owner applied for a remodel permit but never picked it up; the permit was approved and waiting for him to come in and get it and he did not. On January 21, 1999, the Fire Marshal's office was investigating a suspected arson at 902 E Avenue, at which time they discovered electrical cords running from 902 to this building, extension cords and Romex laying on the ground. Staff contacted Mr. Williams and told him the cords had to be removed and they were. Staff requested a demolition contract, and the person bidding on it went out and there was a meeting there with Mr. Williams on the property; subsequent to that on March 3, 1999, Mr. Williams came in to ask for a demolition permit and the video shows the property on June 9, and as of today there has been no substantial improvement or repair.

MOVED by Warren, SECOND by Shanklin, to deny the request. AYE: Shanklin, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. MOTION CARRIED.

7. Receive a briefing and preliminary report on the classification and pay plan from a representative of Commonwealth Personnel Management Services. Exhibits: None.

This item had been pulled earlier in the meeting.

8. Consider an ordinance amending Chapter 17, Lawton City Code, 1995, by amending Section 17-12-251 pertaining to equal employment opportunity, Section 17-12-255 pertaining to career development; and Section 17-12-258 pertaining to prohibited discrimination; providing for severability and declaring an emergency. Exhibits: Ordinance No. 99-27.

Vincent said this is primarily a clean up ordinance which does not change the effect of the programs the City has in place. He said subsequent to writing the original code on equal employment opportunity, which was previously affirmative action, the federal government had changed terminology and to be consistent with the terminology and subsequent case law, the appropriate changes are recommended to the City Code.

MOVED by Purcell, SECOND by Smith, for approval of Ordinance No. 99-27, waive the reading of the ordinance, read the title only, and declare an emergency.

Shanklin asked what career development had to do with equal opportunity. Vincent said it was all a part of the same

section and suggested the Human Resources Director explain the program. Shanklin asked if that director was the sole person responsible for this and read from the ordinance stating "the human resources director shall conduct a career development program for employees of the city; identify employees who are qualified for advancement; identify positions for which such employees may be qualified". Shanklin said he did not like that if no one else had any input in the process.

Chuck Bridwell, Human Resources Director, said all employees have an opportunity to provide input into the program based upon what they see as their own desires for their career development. He said they also receive information from department directors and division supervisors about how they view their employees' needs; part of the development program is based on performance appraisals for all employees which he reviews and discusses with department directors and division supervisors.

Williams asked why the ordinance was proposed as an emergency. Vincent said it is not necessary. Williams said he saw no reason not to approve it but wondered why it would be submitted as an emergency if it was just a clean up measure, and asked what we were really talking about. Vincent said it did not need to be passed as an emergency.

Shanklin read further from the ordinance "the human resources director shall also identify positions for which employees may be qualified without regard to departmental lines" and asked if that meant that it did not matter what the department head said; and read further "and when vacancies arise in positions so identified, shall encourage the appointing authority to seriously consider such employees who submit applications". He said he was trying to relate what career development had to do with equal opportunity. Shanklin asked if the process was that an employee wants to become city manager so he goes to the human resources director and he tells them how to get there. Bridwell said they would give the employee the advice to help the employee become a city manager, and provide information on the educational resources that are available or courses they should take and experiences they should have.

Bridwell said on the portion about the departments, there may be an employee in Parks & Recreation who had prepared himself well to be qualified for a position in the Public Works Department, it would be part of his job to make sure that the Public Works Director knew of the qualifications of that employee.

(Title read by Clerk) Ordinance No. 99-27

An ordinance amending Chapter 17, Lawton City Code, 1995, by amending Section 17-12-251 pertaining to equal employment opportunity; Section 17-12-255 pertaining to career development; and Section 17-12-258 pertaining to prohibited discrimination; providing for severability and declaring an emergency.

VOTE ON MOTION: AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

9. Consider adopting a resolution designating places and times within the municipal jurisdiction to discharge fireworks on July 4, 1999. Exhibits: Resolution No. 99-69.

Ihler said the resolution designates dates and times for discharge of fireworks within the municipal jurisdiction, specifically the areas of Lakes Lawtonka and Ellsworth. He said three locations at Lawtonka and four locations at Ellsworth are identified in the resolution from the hours of Noon to 11 p.m. Ihler said as has been the case in the past, due to public safety and the risk of fires, staff recommends not adopting the resolution. He said if Council desires to approve the locations, he received a call from John Perry, concessionaire at Ralph's Resort, asking that location five, from Ralph's Resort to the dam, be changed to the railroad tracks to the dam, and eliminate the portion that deals with the location of Perry's trailer park and storage units.

Purcell said he would rather the Council did not have to approve this, but if it is not approved, there could be more problems of fireworks being discharged in the city limits. He said he witnessed two blocks burn down in New Orleans as a result of discharging of fireworks. Purcell said it seemed last year when Council was considering this, an ordinance was passed or was to be returned that would prohibit the sale of fireworks within the City of Lawton. He asked if that ordinance was passed and Vincent said no. Purcell requested that an item be returned at the next meeting for Council to consider prohibiting the sale of fireworks within the city limits of Lawton. He said he thought it may have been forgotten last time, and that given these circumstances, he would rather see some controls in place.

Shanklin said last year he took a video of the day use area after July 4th and it looked like a battle ground; some of the dumpsters were running over with trash and some were empty. He said he could not see allowing fireworks to be sold and not furnishing a place for them to be discharged. Shanklin said they needed to make it as safe as possible and where it could be cleaned up. He suggested that on Memorial Day, July 4th, and Labor Day weekends, the fee for the camping areas be higher than for the rest of the year in order to take care of the trash that is generated. Shanklin asked how much was spent last weekend on the police at the lakes. Baker said he had not gotten that information back yet but had requested it. Shanklin said it rained last weekend, and that his point was that the police could control this if they were assigned to the appropriate areas.

MOVED by Shanklin, SECOND by Haywood, to approve Resolution No. 99-69 with the amendment regarding Ralph's Resort from the railroad to the dam.

Warren said he remembered last year's discussion as Purcell had explained, as did some of the fireworks operators, but their response was to request this since they had already purchased the fireworks to sell this year. He said it was ludicrous to send a group of children out with objects which are on fire, and that he had been to the lakes, and the fireworks

discharge was not a controlled situation. Warren said it also does not preclude having fires and illegal fireworks discharge in the city limits.

VOTE ON MOTION: AYE: Haywood, Smith, Williams, Devine, Purcell, Shanklin. NAY: Warren. MOTION CARRIED.

(Title only) Resolution No. 99-69

A resolution designating the places and times within the municipal jurisdiction in which fireworks may be discharged on July 4, 1999.

10. Consider appropriating funds in the current Fiscal Year 1998-1999 budget to carpet the Municipal Court. Exhibits: Memo from Municipal Judge; Council Contingency Status Report.

John Kinslow, Municipal Judge, said the carpeting is for the court clerk's office area. He said the carpet is extremely worn, thin, stained, and has torn spots which represent a safety hazard. Devine asked if they had considered having a tile floor. Mayor Powell said it would be difficult for the employees who are on their feet all day long. Mayor Powell asked if the City Manager had identified the funding. Baker said Council Contingency is the identified funding source. Amount is \$7,400.

MOVED by Shanklin, SECOND by Haywood, to approve the request.

Purcell said the item shows 1999 Council Contingency and asked if that had been figured as being rolled over into the next budget year. Baker said no, during budget preparation, they considered the \$90,000 in Council Contingency would all be spent and zeroed out at the end of the year, so there should be some carry over available that was not anticipated.

Warren asked the status of the library carpet. Baker said bids were opened today.

VOTE ON MOTION: AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Haywood. NAY: None. MOTION CARRIED.

11. Consider appropriating funds to pay for travel and related costs to attend Weed and Seed Conference. Exhibits: None.

Baker said this is another request for Council Contingency funding to send three individuals to a conference in Houston, Texas, and Council previously supported this program. He said we must attend the conference if we are to be considered for a grant. Baker proposed to send Haywood, himself and a member of the Police Department.

MOVED by Shanklin, SECOND by Smith, for approval of the request.

Purcell said Council received a memo from the City Attorney's office associated with this and asked if this had anything to do with that memo. Baker said it is related but that memo was concerning funds for other than City staff or officials, and the attorney advised that public funds could not be used for that purpose.

Warren said the last paragraph of the memo addressed moving money from one place to another and the attorney advised that could not be done because it would not have been applicable to begin with, and asked the difference in this request. Vincent said they were trying to address a situation of a person who is not a city employee wanting funding to attend this conference, and had asked the city to fund transportation and a salary for that person who is not a city employee; the other portion was that a CDBG funding recipient was going to request additional funds through their existing contract and fund that request if the City could not fund it directly. Vincent said they were trying to deal with the same person wanting to go to the same conference under two different options, but if you cannot do it legally one way, generally you cannot do it legally another way.

Warren said he remembered people addressing the Council in support of this program stating that this would not cost us any money, and it is another example of a program not costing anything until Council votes in favor of it. Haywood said he wanted to go to Houston to be able to find out exactly how this works. Shanklin asked if it would really cost \$3,500. Baker said he thought that was probably more than they would spend.

VOTE ON MOTION: AYE: Smith, Williams, Devine, Purcell, Shanklin, Haywood, Warren. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

12. Consider the following damage claims recommended for denial: Melvin Cleveland; Timothy E. and Petra E. Haungs; and Southwestern Bell Telephone. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

13. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Sandra Jean and Johnny Amburgey; Seth and Rachel Faris; Millie B. Hause; Al and Jacquelin Kelly, Sr.; Winston A. and Billie A. Mendoza; Julian and Brenda Silvestre; and Southwestern Bell Telephone. Exhibits: Legal Opinions/Recommendations. (3 resolutions) Action: Approval of claims: Amburgey - \$167.28; Faris - \$60.00; Hause - \$442.00; Mendoza - \$385.51.

(Title only) Resolution No. 99-70

A resolution authorizing and directing the City Attorney to assist Al A. and Jacquelin K. Kelly in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Nine Hundred Twenty-Six and 62/100 dollars (\$926.62).

(Title only) Resolution No. 99-71

A resolution authorizing and directing the City Attorney to assist Julian and Brenda Silvestre in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Nine Thousand Three Hundred Forty-Eight and 46/100 dollars (\$9,348.46).

(Title only) Resolution No. 99-72

A resolution authorizing and directing the City Attorney to assist Southwestern Bell Telephone Company in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Five Hundred Eleven and 10/100 dollars (\$511.10).

14. Consider retaining the firm of Leo Oppenheim and Co., Inc. to serve as investment banker in connection with the proposed Capital Improvement Program. Exhibits: Agreement. Action: Approve agreement with Leo Oppenheim and Co., Inc. and authorize the Mayor to execute the agreement.

15. Consider engaging the firm of Fagin, Brown, Bush, Tinney and Kiser to serve as bond counsel to the City of Lawton. Exhibits: Letter of Engagement. Action: Approve the firm of Fagin, Brown, Bush, Tinney and Kiser as bond counsel and authorize the Mayor to sign the letter of engagement.

16. Consider approving a resolution extending provisions of the FY 98/99 Employment Agreement between the City of Lawton and the International Association of Firefighters (IAFF), Local 1882, until a successor agreement is placed in effect. Exhibits: Resolution No. 99-73 .

(Title only) Resolution No. 99-73

A resolution extending the provisions of the FY 1998-1999 Employment Agreement between the City of Lawton and the International Association of Firefighters, Local 1882, beginning July 1, 1999, until a successor agreement is in place, for the administration of the day to day personnel issues, pay and benefits of the full time officers of the City of Lawton Fire Department excluding the Fire Chief, probationary firefighters and civilian employees.

17. Consider approving temporary overstaffing of Fire Department personnel. Exhibits: None. Action: Approve the request to retain the additional firefighter contingent on Local Firefighters Association 1882 signing a Memorandum of Understanding this does not constitute a past practice.

18. Consider approving a resolution extending provisions of the FY 98/99 Employment Agreement between the City of Lawton and the International Union of Police Associations (IUPA), Local 24, until a successor agreement is placed in effect. Exhibits: Resolution No. 99-74.

(Title only) Resolution No. 99-74

A resolution extending the provisions of the FY 1998-1999 Employment Agreement between the City of Lawton and the International Union of Police Association, Local 24, beginning July 1, 1999 until a successor agreement is in place for the administration of the day to day personnel issues, pay and benefits of the full time officers of the City of Lawton Police Department excluding the Police Chief, probationary officers and civilian employees.

19. Consider adopting a resolution establishing the City of Lawton Real Property Proceeds Fund and authorize the transfer of Council Contingency to establish the initial balance. Exhibits: Resolution No. 99-75.

(Title only) Resolution No. 99-75

A resolution establishing the Real Property Proceeds Fund for the deposit and disbursement of funds from the sale of surplus City real property.

20. Consider rescinding Council Policy 4.1 and eliminate the Specifications Committee. Exhibits: Council Policy 4.1. Action: Rescind Council Policy 4.1 and eliminate the Specifications Committee.

ITEM 21 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

22. Consider approving the plans and specifications to construct a left turn bay at 205 SW Sheridan Road. Exhibits: Location Map; Memorandum from Traffic Engineer. Action: Approve the plans and specifications for a left turn bay at 205 SW Sheridan Road.

23. Consider accepting a water line extension constructed by Dayman Reinwand, utility easements, and a maintenance bond. Exhibits: Location Map. (Maintenance Bond and Utility Easements on file in Planning Department) Action: That the six inch (6") water line extension located at NE 60th and NE Cache Road, utility easements, and maintenance bond be accepted.

24. Consider adopting a resolution authorizing the Mayor and City Clerk to execute an agreement with the Oklahoma Department of Transportation (ODOT) for the installation of flashing amber beacons on a cross roads warning sign to be

located on Eastbound US-62 in advance of junction with NW 82nd Street. Exhibits: Resolution No. 99-76; Agreement.

(Title only) Resolution No. 99-76

A resolution whereby the City Council of Lawton, Oklahoma, authorizes the execution of an agreement between the City of Lawton, Oklahoma, and the Oklahoma Department of Transportation for the installation of flashing amber beacons on a cross roads warning sign.

25. Consider approving plans and specifications for the construction of Detention Reservoir B-1 and authorizing staff to advertise for bids. Exhibits: Location Map. Action: Approve plans and specifications for the construction of Detention Reservoir B-1 and authorize staff to advertise for bids.

26. Consider awarding a construction contract to S & G Construction Co., Inc. for the Grand View United Complex Irrigation System Project #99-12 and authorizing additional funding. Exhibits: Location Map. Action: Award a construction contract to S & G Construction Co., Inc. for the Grand View United Complex Irrigation System Project #99-12 and authorize additional funding. (\$3,000 additional funding from 1995 CIP; contract price is \$127,750.00)

27. Consider accepting Permanent Access Easement from Public Service Company for right of ingress and egress to a water line in the city right-of-way at 5245 NW Cache Road, Lawton, Oklahoma. Exhibits: Permanent Access Easement. Action: Accept Permanent Access Easement from Public Service Company for right of ingress and egress to a water line in the city right-of-way at 5245 NW Cache Road, Lawton, Oklahoma.

28. Consider approving the contract renewal between the City of Lawton and the Lawton Board of Education extending the lease of a 14' x 77' trailer located on the property of EHS. Action: Renew the contract and authorize the Mayor and City Clerk to execute the same.

29. Consider acceptance of Federal grant funds for the RSVP Program. Exhibits: None. Action: Accept grant funds.

30. Consider entering into agreements with the Mayor's Commission for a Responsible and Drug Free Community to administer CDBG projects authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 1999 (1 July 1999 through 30 June 2000). Exhibits: None. Action: Approve the agreements with the Mayor's Commission for a Responsible and Drug Free Community, and authorize the Mayor and City Clerk to execute the agreements.

31. Consider approving a Release of Mortgage on residential property belonging to Ms. Eva Mars located at 717 SW 5th Street, Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. Action: Approve the Release of Mortgage on the property belonging to Eva Mars located at 717 SW 5th Street, and authorize execution of the Release of Mortgage.

32. Consider entering into a letter of agreement with Great Plains Area Vocational Technical School (GPAVT) for the specific purpose of conducting fire service training. Exhibits: Letter of Agreement. Action: Authorize the Mayor and City Clerk to execute a letter of agreement with GPAVT for the specific purpose of conducting fire service training and sharing in the use and maintenance of facilities.

33. Consider approval of an agreement for Mutual Aid in Fire Protection and Hazardous Materials Incident Response with Sheppard Air Force Base Fire Department. Exhibits: Agreement for Mutual Aid. Action: Approve agreement for mutual aid in fire protection and authorize execution of the agreement.

34. Consider entering into a contract with Mr. Ron Jarvis for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approve the contract between Mr. Ron Jarvis and the City of Lawton for fire protection outside the City limits, and authorize the Mayor and City Clerk to execute the contract.

35. Consider entering into a contract with Mr. James D. Loden for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Action: Approve the contract between Mr. James D. Loden and the City of Lawton for fire protection outside the City limits, and authorize the Mayor and City Clerk to execute the contract.

36. Consider entering into a contract with Mr. Charley Snyder for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Action: Approve the contract between Mr. Charley Snyder and the City of Lawton for fire protection outside the City limits, and authorize the Mayor and City Clerk to execute the contract.

37. Consider entering into a contract with Ms. Dianne Greb Mansell for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Action: Approve the contract between Ms. Dianne Greb Mansell and the City of Lawton for fire protection outside the City limits, and authorize the Mayor and City Clerk to execute the contract.

38. Consider awarding contract for Physicals/Drug Screen Testing. Exhibits: Recommendation; Abstract of Proposals. Action: Award contract to Prompt Care Center - Southwestern Medical Center, Lawton, OK, and authorize execution of contract.

39. Consider awarding contract for Carbon Feeder System. Exhibits: Rec.; Abstract. Action: Award contract to Chemco Equipment Co. of Monongahela, PA, and authorize execution of contract.

40. Consider awarding contract for Long Distance Telephone Service Inside 405 and 580 Areas. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Advanced Communications of Oklahoma City, OK, and authorize execution of contract.

41. Consider ratifying contract for Agricultural/Grazing Sublease Agreement - Tract E-7. Exhibits: None. (See Lawton Water Authority agenda) Action: Ratify award of sublease agreement to David Jones of Fletcher, OK, and authorize execution of sublease agreement.

42. Consider ratifying the actions of the Lawton Water Authority approving Amendment No. 7 to the Raw Water Purchase Agreement with Ramon John, and authorize the Mayor and City Clerk to execute the Amendment. Exhibits: None. (See Lawton Water Authority agenda) Action: Ratify Amendment No. 7 and authorize execution of Amendment.

43. Consider approving the following contract extensions: A) Sodium Silicofluoride with Central Garden & Pet Company; B) Entry Level Tactical Body Armor with Patrol Technology; C) Raid Garments with Patrol Technology; D) First Aid Supplies, Equipment & Service with Life & Safety Services. Exhibits: Fact Sheet. Action: Approve contract extensions and authorize execution.

44. Consider approval of payroll for the period of June 14 through 27, 1999. Exhibits: None.

Purcell asked for separate consideration of Item 21.

MOVED by Shanklin, SECOND by Smith, for approval of the Consent Agenda, with the exception of Item 21.

Mayor Powell asked if any City funds were involved in Item 22 on the turn bay on Sheridan Road and Baker said no.

VOTE ON MOTION: AYE: Williams, Devine, Purcell, Shanklin, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

21. Consider setting a date of July 27, 1999, to hold a public hearing and consider an ordinance closing a portion of the drainage easement in Lawton Technology Park located at SW 40th Street and Lee Boulevard. Exhibits: Application; Location Map; Council Policy 5.1.

Purcell announced he had a conflict of interest and would not vote on this item.

MOVED by Smith, SECOND by Warren, to set the date of July 27, 1999, to hold a public hearing to consider an ordinance closing a portion of the drainage easement in Lawton Technology Park located at SW 40th Street and Lee Boulevard. AYE: Devine, Shanklin, Haywood, Warren, Smith, Williams. NAY: None. ABSTAIN: Purcell. MOTION CARRIED.

Shanklin said Item 25 deals with detention reservoir B-1 and authorizes staff to advertise for bids. He said he thought something of that magnitude should have been put on the regular agenda for discussion and allow some of the taxpayers to know what is being done and the costs. Baker said this item is for approval of plans and specifications, and when bids are received, it will be returned with a recommendation on the contract award and Council will receive information at that time.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Smith presented the plaque for greatest percentage of participation in the recent blood drive to the Mayor and City Manager's Office.

Williams said the item on the pay plan was previously pulled from the agenda and he expressed concern that information has not yet been received from the consultant because many things hinge on this report, such as the bargaining units and general employees. He said many people have an interest in this and asked how much longer it would be and the current status. Baker said the consultant came today and met with he and Bridwell. Baker said he had asked that the item be pulled tonight because he felt the item would have been premature as he had not seen the final report and could not have answered questions. Baker agreed this is a significant and important matter and said he wanted to be confident that it had been carefully reviewed before it is presented to Council. Baker said information would be presented to the department directors on Monday and that all of the information that he and Bridwell have would be shared with the directors at that time, and the recommendation of the directors will be sought by Baker. Baker said they would also take the information to the Employee Advisory Committee hopefully next week, and the City Code does provide that the EAC will have an opportunity to review the classification and pay plan before it is acted upon by the Council. He said he hoped the item would be ready for Council consideration in July, and that any action as a result would be recommended to be retroactive to July 1, but that he did not know if he would recommend implementing the pay plan or granting an across the board COLA.

Williams asked if the consultant's report it was six to eight weeks late. Baker said he thought it was to have been ready at the end of May. Williams urged completion.

Purcell suggested the City Attorney pursue a change in state law regarding Lawton's unique situation with the planning commission concept, and stated it is unique because the laws refer to cities of certain populations. He said a change in state law could be very helpful to Lawton.

Baker said Council previously discussed having a special meeting or presentation on crack houses. He said the City Clerk and Police Chief had been trying to set that up and asked if that was desired. Discussion was held in this regard with the result being that members desiring to receive a briefing could request it from the police department.

Baker said high weeds and grass continues to be a problem and we are behind with all of the rains on abatement, as well as on City properties. He said we have received 1,180 complaints so far on high weeds and grass and found 833 of them in violation; admin orders were sent to 958 and charges have been filed on 57. A back log is growing in Municipal Court as a result of these orders, as well as the police department activity. Inspections are pending on 199 complaints, and no violations were found for 112. Shanklin said 408 and 410 Columbia were mowed last weekend after 90 plus days.

Purcell said the Judge advised they were short of people to process the complaints on weeds and grass. He said the longer we take in processing them and getting the word out to the media, the bigger the problem will get on weeds and grass. He suggested authorizing temporary help in the court system to process the violations and get that out to the media. Baker said the Judge had requested staffing and that would be brought forward at the first meeting in July.

Shanklin asked how the contract labor was working out at the courthouse. Haywood said two individuals from ASCOG are working in Code Administration. Shanklin asked if the inspectors were at the courthouse and said Council gave the authority to hire contract labor for that purpose instead of having the inspectors go to the courthouse. Baker said there are clerical staff members researching ownership, and that the inspectors should not have to be going over there like they had been since there are other people doing that research, but they may still need to go over there occasionally.

Baker asked that the Public Works Director give a status report on the debris removal. Ihler said with regard to the storm debris, through June 22 we have picked up 3,450 tons of debris. Costs of labor, material and equipment is estimated at \$79,000 in labor and \$79,000 in equipment costs, so in Public Works alone, the cost has been about \$158,000. Shanklin asked where it was funded. Ihler said that is based on man hours that would have been paid anyway, but Street Division crews are not working on the streets or fixing potholes or doing overlays but they are all working on storm related items. Shanklin asked if there were overtime costs. Ihler said of the \$79,000, \$35,000 of it is for overtime.

Ihler said at the end of Friday evening, crews will have gone through the entire City two times with the special debris and clean up crews, so after Friday evening, they would stop the debris work and crews would return to their normal jobs. He said beginning on Monday, Solid Waste crews would be picking up any additional debris and limbs that are brought to the curb and he asked that the citizens cut those limbs in five foot lengths, no larger than four inch diameter, and bundle them in no larger than two foot diameter so the crews can handle them, with a limited weight of about 75 pounds. This debris will be picked up during the regular trash collection routes. Crews were commended for their efforts.

Haywood said two Juneteenth Celebrations were held last Saturday, and they hope to have only one next year. He said Ranch Oaks would have a celebration this coming Saturday and everyone was invited. He commended Street and Parks & Recreation crews for the efforts put forth to enhance Juneteenth.

Mayor Powell said there is a special Council meeting next Tuesday at 5:30 p.m. and that Councilman Smith's wife would be taking group pictures at 5 p.m. He also commended crews for the overlay work done on Douglas Avenue and stated the residents are very appreciative.

Mayor Powell asked that Items 46 and 47 for executive session be stricken from the agenda.

BUSINESS ITEMS:

45. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for a Collective Bargaining Agreement for FY 1999-2000 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

46. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending lawsuit styled The City of Lawton vs. The MEGA Life and Health Insurance Company, et al., Case No. CJ-98-515, in the District Court of Comanche County, and take appropriate action in open session. Exhibits: None.

47. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending civil suit styled Steve Wilson vs. The City of Lawton, Case No. CJ-98-118, in the District Court of Comanche County, and take appropriate action in open session. Exhibits: None.

48. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appointment of an Alternate Municipal Judge, and if appropriate, take action in open session. Exhibits: Section 9-2-203, Chapter 9, Lawton City Code, 1995.

49. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Brenda Smith as the City Clerk, and, in open session, consider approving an employment agreement of Brenda Smith as City Clerk and authorize the Mayor and Deputy City Clerk to execute the Agreement.

Exhibits: None.

50. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of John H. Vincent as the City Attorney, and, in open session, consider approving an employment agreement of John H. Vincent as City Attorney and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: None.

MOVED by Haywood, SECOND by Warren, to convene in executive session as shown on the agenda and recommended by the legal staff, with the exception of Items 46 and 47. AYE: Purcell, Shanklin, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:15 p.m. and reconvened in regular, open session at approximately 8:50 p.m. with roll call reflecting all members present except Beller.

Vincent reported on Item 45 that the Mayor and Council met in executive session to discuss the on-going negotiations with the police union and that no action is required.

Mayor Powell stated that Items 46 and 47 were pulled earlier and not discussed in executive session.

Vincent reported on Item 48 that there was discussion in executive session to consider the appointment of an alternate municipal judge. Vincent recommended a motion be made that Felix Cruz be appointed as alternate municipal judge and that the Mayor and City Clerk be authorized to sign the contract.

MOVED by Smith, SECOND by Warren, that Felix Cruz be appointed as alternate municipal judge and that the Mayor and City Clerk be authorized to sign the contract. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

Vincent reported on Item 49 that discussion was held concerning the continued employment of Brenda Smith as City Clerk and asked for an appropriate motion.

MOVED by Purcell, SECOND by Warren, to renew the contract. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

Vincent report on Item 50 that discussion was held concerning his continued employment as City Attorney and asked for an appropriate motion.

MOVED by Devine, SECOND by Warren, to continue the contract. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Haywood. NAY: None. MOTION CARRIED.

There being no further business, the meeting adjourned at 9:00 p.m. upon motion, second and roll call vote.